

COED CADW – THE WOODLAND TRUST ACTIONS FOR TREE AND WOODLAND PROTECTION IN WALES

THE STATE OF OUR WOODS AND TREES

“Our remaining ancient woods and trees are those that have survived as the world has changed around them. Fragmentation of woods, loss of trees and the wildlife dependent on them has been brutal. The survivors that remain now form the backbone of plans for nature recovery. They are still some of our richest native habitats and provide the source of genetic material we will need to re-forest our landscapes.”

Clive Anderson, Woodland Trust president and broadcaster, from the Foreword to the Woodland Trust report on the **State of the UK’s Woods and Trees, 2021**.¹

This first ‘State of’ report presents important facts and trends **focusing predominantly on our native woods and trees**. It reports on their extent, condition and wildlife value, the benefits people gain from them, the threats and pressures they face, what is being done to help them and what more we need to do.

Our ancient woods are those known to have long term ecological continuity and are **more ecologically diverse and of a higher nature conservation value**. Wales has only 95,000 hectares of ancient woods, making up 4.6% of the land surface¹. Many of these woods are small and fragmented.

Our report summarises the evidence of the **barrage of coinciding threats** that our woods and trees are subject to, from direct loss from development to more insidious influences such as climate impacts, poor management, imported diseases, invasive plants, mammal browsing and air pollutants. These threats diminish the benefits of woods and trees for people and for wildlife. Addressing this requires a comprehensive response of **wide-ranging action across many fronts** and many separate areas of policy.

The **National Forest for Wales** could provide the opportunity for a celebration of the importance of Wales’s ancient tree and woodland heritage, telling its biodiversity, archaeological, literary, cultural and international story. Public access and interpretation at exemplar sites can be combined with community led local history and cultural celebrations a “woodland eisteddfod”

This paper is **our call for action on the legislative and policy changes** we think are necessary to address this barrage of threats and build on those positive protections and interventions that are underway. It is in three parts: -



- **Summary: What we are calling for**
- **Part 1: Tree and Hedgerow Protection**
- **Part 2: Ancient Woodland Protection**

¹ The Woodland Trust (2021) State of the UK’s Woods and Trees. 245pp. <https://www.woodlandtrust.org.uk/state-of-uk-woods-and-trees/>

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SUMMARY: WHAT WE ARE CALLING FOR



For the Oldest and most Important Trees & Hedges

- Legal protection, such as a registered list of trees with "Natural Monument" status.
- The Hedgerow Regulations amended to prevent felling of the old growth component of ancient hedgerows.



For all other Ancient and Veteran trees

- A general presumption in planning and forestry against felling or damage to ancient and veteran trees and ancient hedgerows.
- Proactive and strategic use of TPOs in some cases.
- Guidance and support for owners for protective management and continuity.



For all Important Trees

- The full cultural and heritage values of large trees should be recognised in planning decisions and conditions.
- Emergency protection through TPOs.



For Protected Sites & Biodiversity Targets

- More ancient woodland designated as SSSI.
- Well managed ancient woodland contributing to a statutory target for 30% of land to be managed for nature.
- Action to reduce emissions and tackle climate change.



For all Ancient Woodland

- A general presumption of legal protection for all ancient woodland.
- Grant support for all ancient woodland managed in accordance with best practice as stated in the UK Forestry Standard (UKFS),
- Restoration of Wales's temperate Celtic Rainforest.



For Plantations on Ancient Woodland Sites

- More substantive and timely delivery to restore PAWS.
- Professional management guidance and support for owners.
- Emergency protection through TPOs.



For Healthy Trees and Woodland Everywhere

- Landscape scale woodland conservation strategies.
- Reduce pollution of air, soil and water.
- Prevent import of tree pests and diseases - ensure all trees for planting are UK and Ireland Sourced and Grown (UKISG).

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PART 1 -TREE AND HEDGEROW PROTECTION

Status of ancient and veteran trees

1. Most ancient trees have no legal protection –individual trees can be felled without any consent unless:
 - a. they are covered by a Tree Preservation Order, or
 - b. a felling licence is required because the total volume of timber from felled trees totals more than 5 cubic metres in one calendar quarter. Several large trees can be felled before this threshold is clearly breached.
2. Over 6,000 ancient trees in Wales are described and mapped on the Ancient Tree Inventory². We estimate this may only be a tenth of the number present in Wales.
3. “Important hedgerows” are protected from destruction under the Hedgerow Regulations. This does not prevent the felling of ancient and veteran trees in the hedgerow.

Over-arching measures

4. We think there should be a **general presumption against felling or damage to ancient and veteran trees and ancient hedgerows**. Such a presumption would guide the interpretation of existing regulation in planning, agriculture and forestry.
5. We are Investing in building up the **Ancient Tree Inventory**² which provides details of known ancient, veteran and notable trees of all species.
6. **Monitoring and Reporting**. We need reporting on the level of tree cover outside of woodland and of losses of old trees arising from felling licence and planning decisions.

In Development and Planning

7. We would like to see **legally protected status for our most important ancient trees**. This could be based on the principle that ancient trees should be afforded “Heritage”, “Living”, or, “Natural” Monument Status”, giving protection equal to the oldest buildings and rarest wildlife. A natural monument or feature (IUCN Category III protected area) is a comparatively small area that is specifically allocated to protect a natural monument and its surrounding habitat. Poland, Italy and Germany protect old trees in this way.
8. The Welsh Government should introduce legislation to **implement the changes to TPO regulation as recommended by the Law Commission**, to clarify regulation and close loopholes³. These changes would enable local authorities to take a more proactive and strategic approach to tree protection and introduce a more effective penalty regime to address the deliberate removal of protected trees on development sites.⁴
9. **The cultural and heritage value of all trees should be explicitly recognised** in planning guidance, with those not listed as “Natural Monuments” still being treated as material considerations in the planning process.
10. Local Planning Authorities should be encouraged to **proactively protect important trees**, including by placing TPOs on ancient and veteran trees on, or adjacent to development sites.

² <https://ati.woodlandtrust.org.uk/>

³ <https://gov.wales/detailed-response-law-commission-report-planning-law-wales>

⁴ The Woodland Trust has proposed amendment to the UK Levelling-up and Regeneration Bill that could introduce these changes in Wales as well as in England.

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This would help facilitate protection during construction and in the long term. **Unauthorised felling of protected trees must result in prosecution.**

11. **local authorities must be adequately resourced** to retain Tree Officer expertise, develop and apply tree strategies that engage with communities and assess and reflect the huge lifetime value of tree cover⁵. They must factor tree strategies into planning decisions and monitor and report on mature tree cover. They must have the resources and authority to be able to apply TPOs efficiently and to demonstrably enforce planning consents conditions that protect trees during construction.⁶

In Forestry

12. **Felling consents issued by NRW should specifically exclude all veteran and ancient trees present**, in accordance with guidance in the UK Forest Standard⁷: “*Retain and manage existing veteran trees and select and manage suitable individuals to eventually take their place.*” This can be achieved by adding this UKFS requirement to the list of baseline conditions that NRW propose to apply to all felling licences⁸

In Farming

13. The proposed **National Minimum Standards** for the new Sustainable Farming Scheme (SFS) should specifically remind landowners of the requirements for felling licences and of the Hedgerow Regulations⁹. We would like to see a further National Minimum Standards requirement, or a Universal Action under the SFS, requiring the retention of ancient and veteran trees and hedges. This could be an equivalent to the proposed SFS Universal Action for historical environmental features.
14. The Hedgerow Regulations 1997 provide important protection from removal or destruction for “important” hedges as defined in the legislation. These regulations are complex, and **it is essential that Councils have the resources to effectively apply them.**¹⁰
15. We would like to see the **Hedgerow Regulations amended** to clarify the definition and protection of ancient hedgerows, extend protection to prevent felling of the “old growth”¹¹ component of hedgerows, and to protect lines of mature tree. The need for felling licence consent must be emphasised.
16. Farmers should be supported through the new **Wales Sustainable Farming Scheme** in taking care ancient and veteran trees on their land and to reverse the loss of trees outside woods. We would like to see an additional Optional Action to provide for conservation plans and proactive works to ensure the continuity of ancient trees.

⁵ <https://www.forestresearch.gov.uk/research/valuing-non-woodland-trees/>

⁶ <https://www.merthyr.gov.uk/media/1242/trees-in-relation-to-construction-recommendations.pdf>

⁷ The UK Forest Standard, pp 49-51.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687147/The_UK_Forestry_Standard.pdf

⁸ NRW Draft baseline conditions for felling licences – subject to consultation

<https://ymgyngori.cyfoethnaturiol.cymru/communications-cyfathrebu/e82365df/>

⁹ Simple guide: <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

¹⁰ <https://naturenet.net/trees/hedgerow/index.html>

¹¹ Definition: “Trees that have been growing for a very long time.”

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PART 2 - ANCIENT WOODLAND PROTECTION

Status of Ancient Woodland

1. **Ancient woodlands do not have absolute protection in law.** Only a degree of protection provided under forestry legislation or in planning guidance. NRW estimate that less than a fifth of Wales ancient woodland has protection as part of a Site of Special Scientific Interest.
2. Ancient woodlands are mapped in the **Ancient Woodland Inventory**¹², updated 2021. The Inventory does not include the wider network of woodland fragments, groups of trees and ancient hedges which all contribute to the ancient woodland ecosystem. Direct losses continue to occur, particularly because of development.
3. **Only 9% of native woodlands in Wales are in favourable ecological condition.**¹³ More insidious ongoing decline occurs because of illegal felling, lack of regeneration and protective management, disease, and pollution.
4. All forms of woodland, including ancient woodland, is **subject to felling consent** under the requirements of the 1967 UK Forestry Act (with amendments proposed in the 2022 Agriculture Wales Bill). There are exemptions that waive any requirement for consent for the thinning of small diameter trees and felling of coppice and the felling of up to 5 cubic metres of timber every calendar quarter. This means that **small numbers of large trees and small areas of ancient woodland can be felled without any prior consent.**
5. **In Scotland and in Northern Ireland** there are more restrictions on what woodland can be felled without a felling licence:
 - In Scotland the 5 cubic metre exemption does not apply in native broadleaved woodland between 0.1 and 0.5 hectares inclusive, and Caledonian Pinewood sites.
 - In Northern Ireland, since 2013, private owners of woodland have been required to apply for a felling licence if they wish to fell 0.2 hectares or more.
6. Planning guidance in **Planning Policy Wales Edition 11**¹⁴ emphasises the value of ancient woodland and states that:-

Para 6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

Over-arching measures

7. **We would like to see presumption of legal protection for all ancient woodland.** This would be to prevent its removal and destruction.

¹² <http://lle.gov.wales/catalogue/item/AncientWoodlandInventory2021/?lang=en>

¹³ https://cdn.forestresearch.gov.uk/2022/02/fr_nfi_condition_scoring_results_wales_cxzeel5.pdf

¹⁴ https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

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8. Collaboration is key. We need woodland **conservation strategies enacted at landscape scales** to create ecologically rich wooded landscapes for people and wildlife, and to effectively control invasive and damaging species such as Rhododendron and deer.
9. We need **Investment in domestic plant nurseries**. Importing plants, including trees for planting, creates a very high risk of the of the inadvertent introduction of new pests and diseases.
10. We would like to see **protected and well managed ancient woodland contributing to a statutory target for 30% of land to be manged for nature**. This could include protecting more ancient woodland being protected by SSSI designation. Better condition monitoring is needed for all protected sites and a target to bring them up to favourable condition.
11. **Monitoring and Reporting**. We need reporting on losses of ancient woodland, on the outcome of felling licence decisions on ancient woodland and the ecological condition of ancient woodland

In Development and Planning

12. We would like to see **planning protection elevated into law**. This could be by introducing legal duties to have special regard to, or a protection standard for, the protection of ancient woodlands, trees and buffer protection zones
13. We would like to see **more watertight planning guidance for ancient woodland and ancient and veteran trees**, for example, emulating the new wording proposed in the National Planning Framework 4 for Scotland¹⁵, *“Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;”*
14. This would be achieved by re-wording of **Planning Policy Wales** to say ancient trees and woodland “will” be protected rather than “should” and providing **more restrictive clarification** of what constitutes “significant and clearly defined public benefits”.
15. Planning Policy Wales guidance is subject to interpretation by planning authorities and Government. Natural Resources Wales have produced guidance on ancient woodland for planners. The Trust has raised **significant concerns** about the wording of this guidance and would like to see it strengthened and clarified.

In Forestry

16. Protection does not prevent appropriate felling and management. We would like to see **all ancient woodland manged, as a minimum, in accordance with best practice guidance stated in the UK Forestry Standard (UKFS)**¹⁶, with felling licences requiring this and approved management plans for larger ancient woods.
17. We would like to see NRW adopt a **common monitoring and evaluation framework** that demonstrates the on-the-ground effectiveness of UKFS. This should include **reporting on felling licences** and conditions issued for the felling of ancient woodland.
18. Meeting UKFS is not sufficient to reverse the decline in woodland biodiversity. We would like to see **financial support for woodland owners** for protective management and

¹⁵ <https://www.transformingplanning.scot/national-planning-framework/revised-draft-npf4/>

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687147/The_UK_Forestry_Standard.pdf

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restoration of ancient woodland that goes above the minimum standards required by UKFS, addresses the reasons for poor ecological condition and recognises the significant public benefits provided by ancient woodland. Without government grants landowners must rely on timber to generate income. This risks either over-felling or no management.

19. A third of ancient woodlands in Wales have been damaged by **conversion to plantations of non-native coniferous species**. This has removed native species, changed soil characteristics and introduced damaging levels of shade. The ecological value can be recovered through gradual reconversion to predominantly native tree cover. We would like to see a **more substantive and timely delivery** of the commitment to do this on the public forest estate, and **financial support for private woodland owners** to do this. This should be central to the delivery of the National Forest for Wales.
20. We suggest a target to bring **two thirds of ancient woodlands in Wales into suitable protective and restorative management by 2030**. This could apply to 27,900 hectares of semi-natural ancient woodland and 25,750 hectares of plantations on ancient woodland sites. The cost we estimate to be about **£24 million per year for 8 years**, amounting to about 9% of the total cost of conservation land management needed to restore the natural environment of Wales.¹⁷
21. We would like to see restoration particularly targeted at Wales's distinctive and internationally rare **temperate rainforest**. Seven organisations have come together to form the **Wales Rainforest Alliance** and take forward the work of the EU Life funded Celtic Rainforest Wales Project¹⁸. We would like to see a major collaborative initiative across farming, forestry and nature conservation sectors to restore, expand and connect all the fragments of the Welsh Celtic rainforest.

In Farming

22. A considerable **reduction is needed in nitrate and ammonia emissions** from intensive farming. These are significantly damaging ancient woodland ecosystems¹⁹. A strategic approach is needed to reduce overall levels of pollution, plus localised actions to protect individual ancient woodland sites.
23. **Many of Wales ancient woodland are on farms**. The Sustainable Farming Scheme (SFS) offers an opportunity to support farmers to manage ancient woodlands appropriately. We welcome the SFS proposed an Optional Action to *“Manage existing trees and woodland, including ancient woodland, in line with the UK Forestry Standard (beyond the 10% Universal Action).”*
24. The woodland management planning process, **under professional guidance**, should identify management objectives that suit the farm and the nature of the woodland. This should avoid the “fencing and abandonment” of farm woods, encouraged by previous schemes.

Jerry Langford. December 2022

¹⁷ Financing Nature Recovery In Wales – A Roadmap To 2030; draft unpublished report WWF, RSPB, Wildlife Trust Wales, Woodland Trust.

¹⁸ <https://celticrainforests.wales/>

¹⁹ NRW (2020) State of Natural Resources Report: Woodland.

<https://cdn.cyfoethnaturiol.cymru/media/693279/sonarr2020-ecosystem-woodlands.pdf>